UNITED STATES PATENT AND TRADEMARK OFFICE

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09/772,000	01/30/2001	Satoshi Okuyama	1405.1034 (JDH)	8470

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
GOLD, AVI M

ART UNIT	PAPER NUMBER
2157	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/772,000	OKUYAMA ET AL.
		Examiner	Art Unit	
		Avi Gold	2157	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 August 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-25</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☒ All　b)☐ Some * c)☐ None of:

　　　1.☒ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date <u>8/22/06</u>.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____ .

DETAILED ACTION

This action is responsive to the amendment filed on August 23, 2006. Claims 1,

2, 15, 21 and 23 were amended. Claim 25 was added. Claims 1-25 are pending.

Response to Amendment

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-13, 15, 18, and 20-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Namekawa, U.S. Patent No. 6,237,027 further in view of Trompower

et al., U.S. Patent No. 6,128,512.

Namekawa teaches the invention as claimed including receiving and transmitting

electronic mail between computer devices connected to a network (see abstract).

Regarding claim 1, Namekawa teaches a text messaging system including a

plurality of information terminals provided with communications means, and servers

connected to the information terminals via communication lines responsive to the

communications means, the text messaging system comprising:

a plurality of transmission means having different transmission modes provided

in each of the information terminals for transmitting to the servers text messages

addressed to other of the information terminals (col. 3, lines 56-65; Namekawa
discloses an electronic mail system);

reception means provided in the information terminals to for receiving from the
servers text messages from other of the information terminals (col. 3, lines 56-65);

status detection means provided in the information terminals for detecting and
reporting to the servers an operational status of the each transmission means including
at least a change of status of the connection with the communication lines (col. 6, lines
34-48, Namekawa discloses arrival detection);

reception means provided in the servers for receiving text messages from any
one of the information terminals (col. 3, lines 56-65);

status administration means provided in the servers for storing, per user of any
one of the information terminals, the operational status, including the change of status,
of the each transmission means of each information terminal reported from said status
detection means (col. 6, lines 34-48, Namekawa discloses recording the status of the
detection);

determining means provided in the servers for referring to the operational status,
including the change of status, stored by the status administration means of an
information terminal that is a destination of the text message received from the
information terminal, and for dynamically determining a message destination and
transmission mode for the received text messages according to the stored operational
status and change of status (col. 6, lines 34-65, col. 9, lines 21-38, Namekawa
discloses a determination on how to transmit data and the use of a normal mode and a

message mode based on the status and the reading of setup data to dynamically

determine the type of data to be transmitted); and

transmission means provided in the servers for transmitting text messages

received from the information terminals to the dynamically destination information

terminal according to the dynamically determined transmission mode using the

determined transmission means (col. 3, lines 56-65, col. 6, lines 34-65, col. 9, lines 21-

38).

Namekawa fails to teach the limitation further including dynamically determining

a transmission means.

However, Trompower teaches a cellular communication system utilizing

dedicated repeater channels and modifiable transmission parameters to enhance

system performance (see abstract). Trompower teaches the use of dynamically

modifying data transmission parameters (col. 9, lines 6-39, col. 10, lines 17-33).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Namekawa in view of Trompower to dynamically determine a

transmission means. One would be motivated to do so because it optimizes overall

system performance.

Regarding claim 2, Namekawa teaches a text messaging system including a

mobile terminal and an information terminal respectively provided with communication

means, and a server connected to the mobile terminal and to the information terminal

via a communications line responsive to the communications means, the text

messaging system comprising:

a plurality of transmission means having different transmission modes in the

information terminal for transmitting to the server text messages addressed to the

mobile terminal, or to another information terminal (col. 3, lines 56-65, col. 4, lines 61-

65; Namekawa discloses a portable electronic mail apparatus);

reception means provided in the information terminal for receiving from the

server text messages from the mobile terminal, or to another information terminal (col.

4, lines 61-65; col. 3, lines 56-65);

status detection means provided in the information terminal for detecting and

reporting to the server an operational status of the each transmission means including

at least a change of status of the connection with the communications line (col. 4, lines

61-65, lines 55-57; col. 6, lines 34-48);

reception means provided in the server for receiving text messages from the

mobile terminal or the information terminal (col. 4, lines 61-65; col. 3, lines 56-65);

status administration means provided in the server for storing, per user of the

information terminal, an operational status of each transmission means of the

information terminal reported from said status detection means (col. 6, lines 34-48); and

determining means provided in the server for referring to the operational status,

including the change of status, stored by the status administration means of an

information terminal that is a destination of the text message received from the

information terminal, and for dynamically determining a message destination and a

transmission means for the received text messages according to the stored operational

status and change of status (col. 6, lines 34-48, col. 9, lines 21-38); and

transmission means provided in the server for transmitting to the information

terminal text messages received from the mobile terminal, and transmitting to the

mobile terminal text messages received from the information terminal, or transmitting

text messages received from the mobile terminal or the information terminal to another

mobile terminal or to another information terminal according to the dynamically

determined transmission mode using the dynamically determined transmission means

(col. 4, lines 61-65; col. 3, lines 56-65).

Namekawa fails to teach the limitation further including dynamically determining

a transmission means.

However, Trompower teaches the use of dynamically modifying data

transmission parameters (col. 9, lines 6-39, col. 10, lines 17-33).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Namekawa in view of Trompower to dynamically determine a

transmission means. One would be motivated to do so because it optimizes overall

system performance.

Regarding claim 3, Namekawa teaches a text messaging system according to

claim 2, wherein:

said status detection means further detects and reports to the server whether the

information terminal is being used; and

said determining means, upon the information terminal is being used determines

the information terminal to be a transmission destination for text messages (col. 6, lines

34-48).

Regarding claim 4, Namekawa teaches a text messaging system according to

claim 2, the at least one information terminal further being provided with service

detection means for detecting and for reporting to the server network-application

operational status in the information terminal; wherein:

said status administration means stores the reported network-application

operational status (col. 6, lines 34-48); and

said determining means, wherein the network application is operable on the

server, determines to transmit received text messages using the network application if

the network application is running on the information terminal (col. 6, lines 34-48, col. 9,

lines 21-38).

Regarding claim 5, Namekawa teaches a text messaging system according to

claim 2, wherein said transmission means is enabled to notify the server that a text

message has been read, further comprising:

reporting administration means provided in the server for saving text messages

transmitted to the information terminal, and, wherein if not notified to the effect that a

text message has been read, for forwarding the text message to the mobile terminal

(col. 3, lines 56-65, col. 6, lines 34-48, col. 10, lines 3-21, Namekawa discloses the use of a flag and sending the mail to a portable device if it is not read).

Regarding claim 6, Namekawa teaches a text messaging system according to claim 5, wherein said reporting administration means forwards to the mobile terminal text messages transmitted to the information terminal in response to change in operational status of the information terminal (col. 6, lines 34-48, col. 10, lines 3-21).

Regarding claim 7, Namekawa teaches a text messaging system according to claim 5, wherein if a text message transmitted to the information terminal is not read within a predetermined time period, said reporting administration means forwards the text message to the mobile terminal (col. 6, lines 34-48, col. 10, lines 3-21).

Regarding claim 8, Namekawa teaches a text messaging system according to claim 5, wherein said reporting administration means in predetermined instances reports to text message send sources that their text messages have been sent to the mobile terminal (col. 6, lines 34-48, col. 10, lines 3-21).

Regarding claim 9, Namekawa teaches a text messaging system according to claim 5, wherein if said reporting administration means cannot send a text message to the mobile terminal, said reporting administration means stores the text message and reports to the text message send source that its text message has been stored (col. 6,

lines 34-48, col. 10, lines 3-21, Namekawa discloses data being left as it is until it can be sent again).

Regarding claim 10, Namekawa teaches a text messaging system according to claim 2, wherein:

said status detection means reports to the server text message senders' contact phone numbers (col. 5, lines 36-44, Namekawa discloses identification information including subscribers numbers being stored on a portable computer);

said status administration means holds the reported phone numbers (col. 5, lines 36-44); and

wherein a text message is sent from the information terminal to the at least one mobile terminal, if the senders' contact phone number has been set, said decision means adds the phone number to and transmits the text message (col. 5, lines 36-44).

Regarding claim 11, Namekawa teaches a text messaging system according to claim 2, further comprising a proxy information terminal connected to the communications line, wherein said proxy information terminal is provided with:

reception means for receiving from the server text messages from the mobile terminal (col. 4, lines 61-65; col. 3, lines 56-65);

information acquisition means for obtaining in accordance with the received text messages operational status of other information terminal wherein the system includes a plurality thereof (col. 4, lines 61-65; col. 6, lines 34-48);

transmission means for transmitting the obtained operational status as a text

message to the mobile terminal (col. 4, lines 61-65; col. 3, lines 56-65); and

information setting means for setting and reporting to the server an operational

status of the other information terminal in accordance with the received text messages

(col. 6, lines 34-48).

Regarding claim 12, Namekawa teaches a text messaging system including a

mobile terminal and an information terminal respectively provided with communication

means, a first server connected to the information terminal via communications line

responsive to the communications means, and a second server connected to the mobile

terminal and to the information terminal via the communications line, the text messaging

system comprising:

a plurality transmission means having different transmission modes provided in

the information terminal for transmitting to the second server text messages addressed

to the mobile terminal, or to another information terminal wherein the system includes a

plurality thereof (col. 4, lines 61-65, col. 3, lines 56-65);

reception means provided in the information terminal for receiving from the

second server text messages from the mobile terminal, or from other information

terminal wherein the system includes a plurality thereof (col. 4, lines 61-65, col. 3, lines

56-65);

status detection means provided in the information terminal for detecting and

reporting to the first server an operational status of the each transmission means

including at least a change of status of connection with the communications line (col. 4, lines 61-65, col. 6, lines 34-48);

status administration means provided in the first server for gathering and storing per user of the information terminals, an operational status, including the change of status, of the each transmission means from each information terminal (col. 6, lines 34-48);

reception means provided in the second server for receiving text messages from the mobile terminal or the information terminal (col. 4, lines 61-65, col. 3, lines 56-65);

determining means provided in the second server for obtaining from the first server operational status, including the change of status, of the information terminal that is a destination of the text message received from the information terminal, and for dynamically determining a transmission mode for received text messages according to the obtained operational status and change of status (col. 6, lines 34-48, col. 9, lines 21-38); and

transmission means provided in the second server for transmitting text messages received from the mobile terminal or the information terminal to another mobile terminal or a destination information terminal according to the dynamically determined transmission mode (col. 4, lines 61-65, col. 3, lines 56-65).

Namekawa fails to teach the limitation further including dynamically determining a transmission means.

However, Trompower teaches the use of dynamically modifying data transmission parameters (col. 9, lines 6-39, col. 10, lines 17-33).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Namekawa in view of Trompower to dynamically determine a

transmission means. One would be motivated to do so because it optimizes overall

system performance.

Regarding claim 13, Namekawa teaches a text messaging system according to

claim 12, wherein the information terminal is enabled to notify the second server that a

text message has been read, and further comprising:

reporting administration means provided in the second server for saving text

messages transmitted to the information terminal, and, wherein not notified to the effect

that a text message has been read, for forwarding the text message to the information

terminal (col. 3, lines 56-65).

Regarding claim 15, Namekawa teaches a text-messaging server connected to

at least one mobile terminal and an information terminal respectively provided with

communication means, via communications line responsive to the communications

means, the server comprising:

reception means for receiving text messages from the mobile terminal or the

information terminal (col. 4, lines 61-65, col. 3, lines 56-65);

transmission means for transmitting text messages received from the mobile

terminal or the at least one information terminal to another mobile terminal or to another

information terminal using a dynamically determined transmission means and a

dynamically determined transmission mode, wherein the server is connected to a

plurality of either (col. 4, lines 61-65, col. 3, lines 56-65);

status administration means for receiving and storing per user of the information

terminal, an operational status, including a change of status, of the each transmission

means of the information terminal (col. 6, lines 34-48); and

determining means for referring to the operational status, including the change of

status, stored by the status administration means of an information terminal that is a

destination of the text message received from the information terminal, and for

dynamically determining a message destination and transmission mode for the text

messages according to the stored operational status and change of status (col. 6, lines

34-48, col. 9, lines 21-38).

Namekawa fails to teach the limitation further including dynamically determining

a transmission means.

However, Trompower teaches the use of dynamically modifying data

transmission parameters (col. 9, lines 6-39, col. 10, lines 17-33).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Namekawa in view of Trompower to dynamically determine a

transmission means. One would be motivated to do so because it optimizes overall

system performance.

Regarding claim 18, Namekawa teaches a text messaging method utilized in a

server connected to a mobile terminal and an information terminal respectively provided

with communication means, via communications line responsive to the communications

means, the text messaging method:

detecting and reporting to the server an operational status of each transmission

means of the information terminal including at least a change of status of connection

with the communications line (col. 4, lines 61-65, col. 6, lines 34-48);

storing per user of the information terminal in the server the operational status,

including the change of status (col. 4, lines 61-65, col. 6, lines 34-48); and

determining a transmission mode for the received text messages according to

the stored operational status and change of status of the information terminal (col. 6,

lines 34-48, col. 9, lines 21-38); and

transmitting and receiving text messages by way of the server between the

mobile terminal and the destination information terminal, or between the mobile terminal

and another mobile terminal wherein the system includes a plurality thereof, or between

the information terminal and destination information terminal, wherein the system

includes a plurality thereof, (col. 4, lines 61-65, col. 3, lines 56-65).

Namekawa fails to teach the limitation further including dynamically determining

a transmission mode.

However, Trompower teaches the use of dynamically modifying data

transmission parameters (col. 9, lines 6-39, col. 10, lines 17-33).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Namekawa in view of Trompower to dynamically determine a

transmission mode. One would be motivated to do so because it optimizes overall system performance.

Regarding claim 20, Namekawa teaches a text-messaging administration method for a server connected to a mobile terminal and an information terminal respectively provided with communication means, via a communications line responsive to the communications means, the text-messaging administration method comprising:

receiving from the mobile terminal or the information terminal text messages addressed to another mobile terminal or another information terminal, or addressed to another mobile terminal or to another information terminal wherein the system includes a plurality of either (col. 4, lines 61-65; col. 3, lines 56-65);

gathering and storing per a user of the information terminal, an operational status of each transmission means of each information terminal including at least a change of status of connection with the communications line (col. 4, lines 61-65, col. 6, lines 34-48); and

determining a transmission means and a transmission mode for the received text messages according to the operational status, including the change of status, of the information terminal that is a destination of the text message received from the information terminal (col. 6, lines 34-48, col. 9, lines 21-38); and

transmitting the received text messages to another mobile terminal or a destination information terminal according to the dynamically determined transmission mode (col. 4, lines 61-65; col. 3, lines 56-65).

Namekawa fails to teach the limitation further including dynamically determining a transmission means.

However, Trompower teaches the use of dynamically modifying data transmission parameters (col. 9, lines 6-39, col. 10, lines 17-33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Namekawa in view of Trompower to dynamically determine a transmission means. One would be motivated to do so because it optimizes overall system performance.

Regarding claim 21, Namekawa teaches a text messaging system including a plurality of information terminals and servers connected to the information terminals via communications lines, comprising:

status detection means provided in the information terminals for detecting and reporting to the servers an operational status of the each transmission means including at least a change of status of a connection with the communication lines (col. 4, lines 61-65, col. 6, lines 34-48);

status administration means provided in the servers for storing, per user of any one of the information terminals, an operational status, including the change of status, of the each transmission means of each information terminal reported from the status detection means (col. 6, lines 34-48); and

determining means provided in the servers for referring to the operational status, including the change of status, stored by the status administrations means of an

information terminal that is a destination of the text message received from the

information terminal, and for dynamically determining a message destination and a

transmission means for the received text messages according to the stored operational

status and change of status (col. 6, lines 34-48, col. 9, lines 21-38).

Namekawa fails to teach the limitation further including dynamically determining

a transmission means.

However, Trompower teaches the use of dynamically modifying data

transmission parameters (col. 9, lines 6-39, col. 10, lines 17-33).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Namekawa in view of Trompower to dynamically determine a

transmission means. One would be motivated to do so because it optimizes overall

system performance.

Regarding claim 22, Namekawa teaches a text messaging system according to

claim 21, further comprising a proxy information terminal, connectable to the

communications line, wherein said proxy information terminal is provided with:

information acquisition means for obtaining in accordance with the received text

messages an operational status of another information terminal (col. 4, lines 61-65, col.

6, lines 34-48);

transmission means for transmitting the obtained operational status as a text

message to the mobile terminal according to the dynamically determined transmission

mode using the dynamically determined transmission means (col. 4, lines 61-65, col. 3, lines 56-65); and

information setting means for setting and reporting to the server an operational status of the other information terminal in accordance with the received text messages (col. 6, lines 34-48).

Regarding claim 23, Namekawa teaches a text messaging system including a plurality of information terminals and servers connected to the information terminals via communication lines, comprising:

a detector detecting and reporting to the servers an operational status of the each transmission means including at least a change of status of the connection with the communication lines (col. 4, lines 61-65, col. 6, lines 34-48);

a receiver receiving text messages from any one of the information terminals (col. 4, lines 61-65; col. 3, lines 56-65);

a controller storing, per user of any one of the information terminals, the change of operational status of the each transmission means of each information terminal reported from said status detection means (col. 6, lines 34-48); and

a processor referring to the changed operational status stored by the controller and dynamically determining a message destination and transmission mode of the received text messages according to the stored operational status and change of status (col. 4, lines 61-65, col. 3, lines 56-65, col. 6, lines 34-48).

Namekawa fails to teach the limitation further including dynamically determining a transmission means.

However, Trompower teaches the use of dynamically modifying data transmission parameters (col. 9, lines 6-39, col. 10, lines 17-33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Namekawa in view of Trompower to dynamically determine a transmission means. One would be motivated to do so because it optimizes overall system performance.

Regarding claim 24, Namekawa teaches the text messaging system according to claim 23, further comprising a proxy information terminal comprising:

a receiver receiving from the server text messages from the mobile terminal and obtaining in accordance with the received text messages operational status of each transmission means of another information terminal (col. 4, lines 61-65; col. 3, lines 56-65, col. 6, lines 34-48);

a transmitter transmitting the obtained operational status as a text message to the mobile terminal (col. 4, lines 61-65, col. 3, lines 56-65); and

a processor setting and reporting to the server the operational status in accordance with received text messages (col. 4, lines 61-65, col. 6, lines 34-48).

3.   Claims 14, 16, and 17 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Namekawa further in view of Ishikura et al., U.S. Patent No.

6,052,565.

Namekawa teaches the invention as claimed including receiving and transmitting

electronic mail between computer devices connected to a network (see abstract).

Regarding claim 14, Namekawa teaches in an information terminal provided with

communication means for transmitting and receiving text messages among mobile

terminals or other information terminals via communication lines and servers responsive

to said communication means, a text messaging device comprising:

a plurality of transmission means having different transmission modes for

transmitting to the servers text messages addressed to the mobile terminals or to the

other information terminals (col. 4, lines 61-65, col. 3, lines 56-65);

reception means for receiving from the servers text messages from the mobile

terminals or from the other information terminals (col. 4, lines 61-65, col. 3, lines 56-65);

and

status detection means for detecting and reporting to the servers an operational

status of the each transmission means information terminals including at least a change

of status of a connection with the communications lines (col. 4, lines 61-65, col. 6, lines

34-48).

Namekawa fails to teach the limitation further including the detecting and

reporting a change of status of a connection.

However, Ishikura teaches a mobile communication terminal apparatus with data communication function (see abstract). Ishikura teaches the use of status change report data sent to a computer (col. 15, lines 60-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Namekawa in view of Ishikura to detect and report a change of status of a connection. One would be motivated to do so because it keeps the servers informed of the device's current status.

Regarding claim 16, Namekawa teaches a computer-readable recording medium on which is recorded a text messaging program utilized in an information terminal provided with communication means for transmitting and receiving text messages among mobile terminals or other information terminals via communication lines and servers responsive to said communication means, the computer-readable recording medium on which is recorded the text messaging program for executing:

transmitting to the servers text messages addressed to the mobile terminals or to the other information terminals with one of a plurality of transmission means with different transmission modes (col. 4, lines 61-65, col. 3, lines 56-65);

receiving from the servers text messages from the mobile terminals or from the other information terminals (col. 4, lines 61-65, col. 3, lines 56-65); and

detecting and reporting to the servers an operational status of each information terminal including at least a change of status of a connection with the communications lines (col. 4, lines 61-65, col. 6, lines 34-48).

Namekawa fails to teach the limitation further including the detecting and reporting a change of status of a connection.

However, Ishikura teaches the use of status change report data sent to a computer (col. 15, lines 60-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Namekawa in view of Ishikura to detect and report a change of status of a connection. One would be motivated to do so because it keeps the servers informed of the device's current status.

Regarding claim 17, Namekawa teaches a computer-readable recording medium on which is stored a text messaging administration program utilized in a server connected to mobile terminal and information terminal respectively provided with communication means, via communications line responsive to the communications means, the computer-readable recording medium on which is recorded the text messaging administration program for executing:

receiving text messages from the mobile terminal or the information terminal (col. 4, lines 61-65, col. 3, lines 56-65);

obtaining and storing, per user of the information terminal, an operational status, including a change of status, of each transmission means of each the information terminal (col. 4, lines 61-65, col. 6, lines 34-48); and

determining each text message transmission mode according to the operational

status, including a change of status, of the information terminal (col. 6, lines 34-48, col.

9, lines 21-38); and

transmitting text messages from the information terminals to a destination

information terminal according to the determined text transmission mode (col. 4, lines

61-65, col. 3, lines 56-65).

Namekawa fails to teach the limitation further including the detecting and

reporting a change of status of a connection.

However, Ishikura teaches the use of status change report data sent to a

computer (col. 15, lines 60-67).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Namekawa in view of Ishikura to detect and report a change of

status of a connection. One would be motivated to do so because it keeps the servers

informed of the device's current status.

4.   Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Namekawa and Trompower further in view of Ishikura et al., U.S. Patent No. 6,052,565.

Namekawa teaches the invention as claimed including receiving and transmitting

electronic mail between computer devices connected to a network (see abstract).

Trompower teaches the invention as claimed including a cellular communication system

utilizing dedicated repeater channels and modifiable transmission parameters to

enhance system performance (see abstract).

As to claim 25, Namekawa and Trompower teach the method of claim 1.

Namekawa and Trompower fail to teach the limitation further including the

change of status that is detected and reported is a change from a connected status to a

disconnected status.

However, Ishikura teaches a mobile communication terminal apparatus with data

communication function (see abstract). Ishikura teaches the use of status change

report data sent to a computer including a disconnection (col. 15, lines 60-67).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Namekawa and Trompower in view of Ishikura to detect and report a

change from a connected status to a disconnected status. One would be motivated to

do so because it keeps the servers informed of the device's current status.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claim 19 is rejected under 35 U.S.C. 102(e) as being anticipated by Namekawa,

U.S. Patent No. 6,237,027.

Namekawa teaches the invention as claimed including receiving and transmitting electronic mail between computer devices connected to a network (see abstract).

Regarding claim 19, Namekawa teaches a text message transmission and reception method utilized in an information terminal provided with communication means for transmitting and receiving text messages among mobile terminals or other information terminals via communication lines and servers responsive to said communication means, the text message transmission and reception method:

transmitting to the servers text messages addressed to the mobile terminals or to the other information terminals with one of a plurality of transmission means with different transmission modes (col. 4, lines 61-65, col. 3, lines 56-65);

receiving from the servers text messages from the mobile terminals or from the other information terminals (col. 4, lines 61-65, col. 3, lines 56-65); and

detecting and reporting to the servers an operational status of the each transmission means including at least a change of status of a connection with the communications lines (col. 4, lines 61-65, col. 6, lines 34-48).

Response to Arguments

7.   Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

U.S. Pat. No. 6,334,140 to Kawamata.

U.S. Pat. No. 6,178,331 to Holmes et al.

U.S. Pat. No. 6,108,688 to Nielsen.

U.S. Pat. No. 5,872,926 to Levac et al.

U.S. Pat. No. 6,701,378 to Gihuly et al.

U.S. Pat. No. 5,706,211 to Beletic et al.

U.S. Pat. No. 6,519,471 to Yamaguchi

U.S. Pat. No. 5,844,969 to Goldman et al.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Avi Gold whose telephone number is 571-272-4002.

The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.
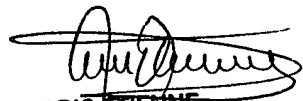
Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold

Patent Examiner

Art Unit 2157

AMG

ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100